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Testimony before the Committee on Resources
United States House of Representatives

Hearing on the Navajo-Hopi Land Settlement Amendments of 2005 (S. 1003)

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Introduction. Chairman Pombo, Ranking Member Rahall, Congressman Renzi, Congressman Udall and members of the Committee. Thank you for this opportunity to comment on the Navajo-Hopi Land Settlement Amendments of 2005 (S. 1003) and to discuss how to bring to closure in an orderly and humane fashion a Federal program that has caused great stress and great harm to many Navajo people.

I have spent my entire adult life working on Land Dispute related issues. I am from the Hardrock Chapter of the Navajo Nation, which was divided in half when the 1882 Executive Order area was partitioned into the Hopi Partitioned Land (HPL) and the Navajo Partitioned Land (NPL). In 1980, shortly after graduating from Princeton, I returned to the Navajo Nation to work for the Navajo people, taking a position at the Navajo-Hopi Development Office. My involvement with Land Dispute issues continued during the time that I served on the Navajo Nation Council from 1983-1987. In 1989, I became the Executive Director of the Navajo-Hopi Land Commission Office, the Navajo entity responsible for dealing with all Navajo and Hopi land related issues. I have served in that position for most of the years since. I have seen the hardship that the relocation law and various construction freezes have created from the beginning. Every day, Navajo tribal members come in to my office to tell me of the hardships that they have suffered because of the relocation law. The impact of the Land Dispute will be with the Navajo Nation for many more generations. I hope that my testimony today will shed some light on the concerns of these people and that this Committee will address those concerns in a humane manner as relocation itself draws to a close.

I am not here to seek some way to turn back the clock and have the Congress revisit the decisions of the past. Nor am I or anyone in the Navajo government interested in reopening legal claims that have finally been resolved. What I am here to state is that the relocation program, however intentioned, has caused great harm to the Navajo and that there is a way forward whereby this Congress can act to bring some measure of healing to our communities. Regrettably, S. 1003 is not that way. The Navajo Nation would propose legislation that would:

- Provide for a comprehensive study of the negative consequences of the relocation law;
- Provide for the development and implementation of a plan to redress negative consequences identified by the study;
- Require that only after the redress efforts are complete, would the relocation program be closed;
- Reauthorize the Navajo Rehabilitation Trust Fund and eliminate the requirement that the Navajo Nation repay the Fund;
- Provide that the Navajo Nation could sign Accommodation Agreements on behalf of non-signing Navajo HPL families.

The Navajo Nation believes that rather than providing for the abrupt closure of the relocation program, as proposed under S. 1003, there should be an independent study of the relocation program's impact on all affected communities and people, not just the Navajo, which would serve as a policy and fact – based tool for developing a humane closure plan that would mitigate any identified adverse impacts to the extent practicable. Once that mitigation plan is implemented, closure of the relocation program is appropriate.

Without a study we cannot quantify the cost of, nor the time that, a mitigation program would take. However, we would expect the cost to be a fraction of the cost so far spent on the relocation program and that the time would be measured in the 5-10 year time frame. Separately I am submitting a primer on the Land Dispute as Attachment A.

I also am here to raise your awareness of the Bennett Freeze area, a part of the reservation where for approximately 40 years Navajos have lived under a Federal construction freeze that has effectively sealed them in an economic time capsule circa 1966, making them the poorest of the poor. In the near future, the Navajo and Hopi Tribes will conclude a final settlement of the dispute in that area and I would ask that Congress consider its responsibility to provide a rehabilitation program for those families who have suffered long and needlessly, principally because of federal actions. We believe that there should be a study and plan for the rehabilitation of the Bennett Freeze area, as well.

From the beginning, Federal policy in this area has been plagued by a lack of understanding of the true situation on the land. When the 1882 reservation was established it was an arbitrarily drawn rectangle 1 degree of longitude wide by one degree of latitude high, containing both Navajo and Hopi populations. In 1974, when it passed the original relocation law, Congress acted without a good understanding of the situation on the ground in the Joint Use Area (all of that area within the rectangle except for District VI, which had been previously declared be a court as exclusively Hopi). As a result, Congress grossly underestimated the number of affected families, the extraordinary social and economic upheaval the law would create, as well as the cost of implementing the law. Now, with the relocation process approaching its end it is critically important to not repeat past mistakes and take action without a proper understanding of the situation. With S. 1003, which would bring an abrupt end to the relocation program without any independent study of the program's successes and failures, Congress would repeat its earlier mistake.

The High Human Cost of the Relocation Program. The massive Federal program of relocating 12,000-15,000 Navajos off their ancestral lands has resulted in enormous hardship and heartache for the Navajo people. Many "relocatees" have been traumatized by the adjustments that have been necessary for them to leave their sacred ancestral lands.

The Navajo creation story teaches that we emerged from the earth and have a special relationship to the land, including a duty to take care of it. For the Navajo, their land is sacred in a way that roughly can be compared with the Western attachment to sacred places, such as churches and cathedrals, or the Holy Land. From time immemorial, our holy men have gone into the high places, lakes and isolated sanctuaries to pray, receive guidance from the spirits, and train our young people in the ceremonies that constitute the spiritual life of each tribal community. In these ceremonies, medicine men represent the whole web of cosmic life in the continuing search for balance and harmony, and through various rituals in which birds, animals and plants are participants, the harmony of life is achieved and maintained. Because the Navajo religion is so deeply tied to Mother Earth, and the very foundation of Navajo life has its roots in ancient tribal customs and close family ties, separating the Navajo from their homes and culture has meant far more than simply moving them to new homes. Increased physical illness, alcoholism, depression, and family breakups have plagued the relocatees. The relocation program to the Navajo has come to be identified as the cause of sickness and death.

In 1982, it was predicted that continued relocation of the Navajo would result in:

1. The undermining of relocatee's faith in themselves;
2. The dependency of relocatees on the federal relocation agency;
3. The breakup of families due to the increased stress and alienation caused by relocation;
4. Increased depression, violence, illness and substance abuse; and
5. Stress on other Navajo communities that volunteered to make room for the relocatees.

All of these things have come to pass. The Navajo families that have been forced off their lands have paid a heavy price. It was not until 1987 that the New Lands, or Nahat'a Dził Chapter, was obtained as a place to send families and communities as a group. Many families who moved earlier in the relocation process moved to border towns adjacent to the Reservation. These relocatees did not fare well, many having little or no experience in a cash economy and no marketable job skills. Many of these earlier relocatees lost their houses due to inability to pay utility and property tax assessments or through unscrupulous loan practices by private mortgage brokers. Many suffered severe family instability, health problems, suicide attempts and depression.

Even greater hardships were inflicted on the Navajo "refugees" who have yet to be provided relocation housing and other federal benefits. Of those Navajo families awaiting benefits, many are living under conditions that pose extreme risks to their personal health and safety. Many also have had to move in with extended family members on other parts of the reservation and, as a result, live under severely crowded housing conditions.

Physical and economic impacts related to the construction freeze and the effect on housing availability and condition, effect on infrastructure provision, lack of community and educational facilities and lack of economic development have compounded the devastating situation even more. The loss of ancestral land and livestock has virtually destroyed the foundation of traditional Navajo life.

As a result, many former relocatees who initially received benefits have been left homeless by the relocation effort. Although ONHIR policies have changed since the mid 1980s to minimize potential for loss of housing units among Navajos moving off-Reservation, there are thousands of people who have been left homeless by ill-planned moves in the earlier stages of the program.

Many aspects of the relocation program have also been mismanaged. For example, there are serious structural problems in many relocation houses. ONHIR is working now on replacement homes and major repairs in the East Mill development. Most families, however, do not want a repaired home, but a sound home to begin with. The range management program has also not been administered by ONHIR in an ineffective and costly manner.

The larger impact of the relocation law should be studied and negative consequences addressed, including not only the economic impact, but also the mental and social impact. The Federal government, at great cost, has relocated 12,000-15,000 Navajos and hundreds of Hopis off their traditional lands to surrounding communities and towns. No study has ever been undertaken to assess the long-term effects of the relocation program, much less the strain this relocation has put on the affected communities. Based on anecdotal evidence, many relocated families have been traumatized and suffer from a much higher incidence of alcoholism, poverty, suicide, depression, and physical illnesses than the rest of the local population. In addition, the burden for caring for these families has fallen on the surrounding communities, as well as on the Navajo Nation and the Hopi Tribe. At this time, there is insufficient data to quantify the effects of the relocation law. Without such data, it is impossible to plan for the future.

The Navajo Nation has been urging Congress to support just such a study for at least nine years. During his administration, then-Navajo President Albert Hale called for a "time out" in the relocation program at a Senate Committee on Indian Affairs hearing. The purpose of the "time out" was not to stop funding for the ONHIR but, instead, to re-direct the momentum of the relocation program away from forcing further relocation to: (1) a period of critical study and reflection on the relocation programs' goals; (2) an evaluation of the relocation programs' negative impacts; (3) the development of a well-thought out plan for minimizing those impacts; and (4) to an assessment of its success in providing the "humane and generous" relocation promised by Congress. The Navajo Nation proposed the establishment of the Relocation Evaluation and Assessment Project (REAP), which would have initiated a series of studies and planning initiatives intended to provide not only the first comprehensive review of the effects of relocation, but also critically-needed long-term planning so that the eventual termination of the ONHIR does not result in a disastrous transition for the relocation-affected Navajo families and communities. It is axiomatic that "you reap what you sow." The philosophy behind REAP was that good planning now will mean a better future for the Navajo families and communities impacted by the relocation program. The relatively small cost of undertaking critically needed studies and planning would be more than offset by the savings and increased efficiency and humanity that will be realized in the multi-million dollar federal relocation effort.

The Navajo Nation again urged the importance of a study in the 107 th Congress. In response, the Senate Committee on Indian Affairs included language authorizing a study in two of its bills (S. 2711 and S. 3066, 107 th Congress), although the measure never became law. The Navajo Nation strongly supported the proposed study in S. 2711 and S. 3066. The intent of this legislation was to authorize an independent study that would not favor one tribe or the other, but instead would provide credible data for future planning for both tribes and for the Congress. The Navajo Nation wanted the study to be carried out by an independent party that is neutral and objective so that the study would have maximum credibility.

At the time, the Navajo Nation urged that the study address:

- o Adjustment of relocatees who have been moved to on- and off-reservation communities and the impact of

those individuals on those communities, including economic and social impacts;

- o Economic adaptation and financial problems facing relocatees;
- o Identification of substance abuse problems in the various relocatee populations and determination of the need for treatment facilities;
- o Investigation of the availability of traditional religious practitioners to serve the relocated populations;
- o Determination of the current job training status of each relocatee population with recommendations for future job training;
- o Identification of the special needs of the elderly or handicapped relocatees; and
- o Determination of the present and future impact of the relocatee populations on local and regional school systems.

Consistent with the findings of the study proposed above, rehabilitation efforts should also be focused on the Navajo Partitioned Land (NPL). The NPL Navajo communities have borne much of the cost of the relocation, having absorbed thousands of relocatees and their livestock in an area that has long been at or over capacity. The NPL's extremely limited infrastructure, which was overtaxed by the influx of relocatees, was further constrained by the construction freeze that was in place from 1963 until approximately 1979 and continues to be grossly insufficient to meet current needs resulting from the relocation law.

Additional study and support needs to be provided to the relatively small number of Navajo families who were forcefully evicted from District VI prior to passage of the relocation law. Initially, these families received no relocation benefits; eight years later, when they became eligible for benefits, we believe from anecdotal evidence that only about half were certified to receive benefits.

The Navajo Nation Opposes the Transfer of ONHIR's Responsibilities to Interior. Because ONHIR has developed critical and hard-won experience in working on and near the Navajo Nation, and because there are still issues that need to be addressed, with one exception, the Navajo Nation believes that ONHIR should not be yet be closed down. First of all, as described below, ONHIR should be authorized to conduct a study and administer a rehabilitation program in the Bennett Freeze Area. The one exception is that the Navajo Nation and the Hopi Tribe should be able to "638" contract those portions of ONHIR's responsibilities that pertain to them respectively.

Need for a study and rehabilitation of the Bennett Freeze Area. In 1934, the U.S. Government clarified the western boundary of the Navajo Nation for the Navajo and "such other Indians as may already be located thereon." This language created ambiguity over ownership of the land, which was nearly entirely inhabited by Navajos. In litigation between the tribes, the Hopi sought extensive rights over the whole area. As a result, in 1966, the Commissioner of Indian Affairs Robert Bennett ordered a "freeze" on development in a 1.5 million acre area in the extreme western portion of the Navajo Reservation, now called the Bennett Freeze Area. As a result of this construction freeze, the Bennett Freeze Navajos have become the "poorest of the poor." While in theory development was possible with the permission of both tribes, in reality the area was principally occupied by Navajo families and the Hopis rarely granted permission for Navajo projects. Recently, a Federal court approved an agreement between the parties that lifted much of this freeze, finding that most of this area belongs to the Navajo Nation. For the thousands of Navajo families who live there this means that the freeze served no real purpose other than to bring them misery and hardship.

Congress should authorize the Office of Navajo and Hopi Indian Relocation (ONHIR), or any entity replacing ONHIR, to oversee rehabilitation of the Bennett Freeze Area. A rehabilitation program would be consistent with the findings of the Interior Appropriations Subcommittee of the Senate Appropriations Committee in a field hearing held in Tuba City, Arizona on July 9, 1993. Going back to the "War on Poverty" and the "Great Society Program" and continuing through numerous Federal initiatives addressing poverty and economic hardship in general, as well as programs directed at Indians in particular, this area has been effectively ineligible for aid. The results have been devastating with most homes lacking electricity and running water, limited infrastructure, few schools and, therefore, no economic development. The Navajo Nation proposes that ONHIR (or its replacement) should be responsible for implementing a housing construction and renovation program, infrastructure improvements (such as roads and electrification), and economic

development initiatives (training, micro-loans, etc.) in this area. ONHIR would not be responsible for relocating any Navajo families, nor for engaging in any land exchange activities or livestock reduction.

Extending ONHIR's official responsibilities to the Bennett Freeze Area requires only a simple amendment to 25 U.S.C. section 640d-11 (c).

The Federal Budget and Navajo Relocation. In Chairman McCain's introductory comments for S. 1003, he expressed concern that the relocation process has cost far more than originally estimated. I do not know who made the original estimate of the cost of this program, but clearly it was made in ignorance of the true situation on the land. Had a proper study been done at that time, the full scope of the relocation would have been understood and perhaps Congress would have responded more favorably to the Navajo Nation's vigorous opposition to the Navajo-Hopi Land Settlement Act of 1974, thus sparing the Federal government great expense and the Navajo people great hardship. As we have actively recommended for ten years, an independent study or assessment of the impact of the relocation law should be undertaken as a first step to development of an intelligent and fair closure plan that makes financial sense. The Congress should not make the same mistake today that was made in the early 1970's of basing critical decisions on incomplete and inaccurate information. Those types of mistakes are highly costly, both to the Federal budget and to the people on the ground who must live with those mistakes.

Moreover, now that the Navajo people have had to live through the nightmare of relocation, we do not think Federal budgetary issues should be a basis for limiting funds to complete the program and for completing it in a way that brings some humanity to what has otherwise been a very inhumane process. By far the greatest cost of the relocation program has been housing, the majority of which has been completed. The costs that remain relate to items that support the relocation process or "assist the Navajo Tribe or Hopi Tribe in meeting the burdens imposed" by the relocation law (25 U.S.C. 640d-25) and are, therefore, very important. Unfortunately, only a small fraction of the budget of the Office of Navajo and Hopi Indian Relocation has been spent on this important component of the relocation process.

We take strong objection to the argument that the relocation program should be closed because it has "taken too long and cost too much." We believe that the United States must finish the job with regard to the Navajo-Hopi Land Dispute and assure that all those who have been adversely affected by the relocation law have a chance at a decent life. .

The cruelest irony of all is that the Federal government has spent hundreds of millions of dollars on the relocation program with the result of impoverishing many Navajo families who previously had lived self-sustaining subsistence lifestyles on the land but who, upon relocation, have found it impossible to reestablish these economic and cultural practices and have subsequently been locked into a downward spiral of despair and tragedy.

There should be no forced relocation of Navajo families. There are a small number of Navajo families who live on the Hopi Partitioned Land but have not yet signed an accommodation agreement with the Hopi Tribe. The Navajo Nation believes that the relocation law should be amended to allow the Navajo Nation to sign such an agreement on their behalf so that they can remain on their ancestral lands, even if for religious reasons they are unable and unwilling to sign what they view as a blasphemous document that would force them to reject their long held beliefs. Through such a mechanism all parties could avoid the deeply troubling idea that these Navajo families will be forcibly removed from land that they have called home for generations.

Further funding of the Navajo Rehabilitation Trust Fund (NRTF) should be undertaken to complete its mission of addressing the "rehabilitation and improvement of the economic, educational, and social condition of families and Navajo communities that have been affected by" the relocation law (25 U.S.C. 640d-30) and all payments advanced to the Navajo Nation from the NRTF should be forgiven. The NRTF was designed to address the unforeseen and unintended consequences of the Land Dispute not only over the short-term, but also over the long-term. When initially created, it was presumed that the \$60 million authorized would provide a significant start when invested to address the impact of the relocation law. It would then be supplemented on an ongoing basis by the development of the Paragon Ranch energy resources. However, the Navajo Nation received only about \$16 million through the NRTF. The fund itself has generated about \$8 million in interest, thus the total value of the fund to the Navajo Nation has been about \$24 million. The Navajo Nation has expended approximately \$13 million and currently has obligated for near-term expenditure about another \$2 million, leaving about \$9 million. Of that \$9 million, some \$8.3 Million has been committed for the purchase of land in Arizona (some 13,000 acres) to complete the Land

Selections provisions in Section 640d-10 (a) (2) of the current law. Notably, the Navajo Nation lost 911,000 acres of land upon which Navajo families resided in the partition and only received as compensation 400,000 acres, of which the Navajo Nation is obligated to pay for 150,000 acres.

We would ask that the NRTF, in fact, be reauthorized, and that it receive full funding and that the obligation of the Navajo Nation to repay NRTF funds be lifted. The coal resources of the Paragon Ranch were to be the source of funds to repay the United States. However, Paragon Ranch has not been developed as expected and no significant development is anticipated in the foreseeable future. Notably, because of the lawsuits authorized by the relocation law, which created unexpected liabilities for the Navajo Nation, the Navajo Nation has already paid the Hopi Tribe approximately \$40 million to settle several cases, with more cases that remain to be resolved. The Navajo Nation is not in a position to pay the NRTF funds back. As the NRTF funds are to address conditions that arise from the relocation law, the cost of addressing those conditions should more properly fall on the Federal government.

More time should be provided for individuals to be certified for benefits. Even for the individuals who clearly are eligible for the benefits but are only now entering the process, it will be impossible for them all to be processed by September 30, 2008, the date provided for in S. 1003. There remain some people who were overlooked during the enumeration process but have recently been identified and plan to seek benefits. Also, there are others for whom the hope of the restoration of their lands to the Navajo Nation has been completely extinguished and are now reluctantly interested in pursuing benefits for the first time.

The impacts of the land dispute and relocation are diverse and far-reaching . This section describes some of the many impacts associated with relocation and is drawn principally from the analysis in the Western Area Regional Plan (WARP), which is a planning document developed by the Navajo Nation in the 1990's as a guideline for the distribution of Navajo Rehabilitation Trust Fund monies. The Navajo Nation would be happy to provide a copy of that lengthy document to the Committee, but otherwise sets forth here key findings and points from that document.

- The division of the Former Joint Use Area resulted in the award of approximately 900,000 acres of lands formerly occupied by Navajos to the Hopi Tribe for the exclusive use of the Hopis. In its place, approximately 350,000 acres of land were acquired in Arizona (the new Nahat'a Dziil Chapter). An additional 20,000 of the 35,000 acres selected, known at the Paragon Ranch, were acquired in New Mexico for the benefit of the relocatees. The Paragon Ranch area was acquired to provide a revenue stream to address needs of the relocatees rather than to provide land for housing. Thus, about 350,000 acres of land were provided for Navajo settlement to replace 900,000 formerly used by Navajos.
- The Navajo Nation extends over a 25,000+ square mile area. To an outside observer, the Nation appears vast, with thousands of acres of vacant or underutilized land. In reality, the Nation's land base is over utilized. The use of Reservation land is governed through customary use rights, grazing permits, homesite and business leases. Every square inch of Reservation land is committed in one form or another through one of these instruments. The population of the Navajo Nation has increased by more than 1,000 percent during the past 100 years. Its land base, however, has actually declined in the last 15 years with the assignment of the HPL for exclusive Hopi use.
- Areas of the Reservation adjacent to the HPL have been impacted by an influx of migrants from the HPL. These migrants include:
 - Disenfranchised young adults and others who are not eligible for relocation benefits.
 - Older family members who may be eligible for relocation benefits but who have been reluctant to move far from their customary use areas.
- Within the NPL, almost 40 percent of the dwelling units house more than two families. The 39-year construction freeze within the Bennett Freeze area has compounded the problems of overcrowding. Within the Bennett Freeze, the number of household heads exceeds the number of available housing units by a factor of almost 4.
- A construction freeze has been in effect on Bennett Freeze lands from 1966 to the present day. New dwelling units could not be constructed within Bennett Freeze boundaries during this period. During the period that the freeze has been in effect, even minor repairs to existing structures required approval by both the Navajo and Hopi Tribes. This was enforced by the Hopi tribe and only Navajo

families were affected.

- A similar freeze was in effect on NPL lands from 1963 to 1979. Private, Tribal and Rehabilitation Trust Fund appropriations have been inadequate in the NPL lands to construct and maintain dwelling units to accommodate latent demand from the freeze as well as the influx of individuals and families from the HPL who are not eligible for relocation benefits or who have been waiting years to receive them. The results have been devastating.
- Fully 70 percent of the housing stock within the Bennett Freeze area is rated as substandard – 50 percent of it in poor condition, an additional 20 percent beyond repair. Almost 55 percent of NPL housing units were rated as in need of major repair or replacement.
- The construction freeze and land dispute have affected infrastructure development on the Bennett Freeze and in the NPL. Sixty to ninety percent of disputed area residents live without such basic services as plumbing, running water, kitchens and telephones. Less than 1 percent of the U.S. population is without such facilities – in large part due to publicly-funded water, wastewater, electrification and communications programs instituted or subsidized by the United States government as early as the 1920s. While only 1 percent of all housing units within the U.S. are unsewered or are not served by at least a septic tank, fully 75 percent of the housing units within the NPL are without any type of wastewater service. Wastewater service is required by more than 60 percent of the houses in the Bennett Freeze. This compares with 48 percent of the houses on the remainder of the Navajo Nation.
- More than 90 percent of the Bennett Freeze and NPL residences are without telephone service, compared with 77 percent of the Navajo Nation as a whole and only 5 percent of all U.S. residences. Most Bennett Freeze and NPL homes are accessible only by dirt road. Most of these roads are not built to specification, but are in fact dirt tracks which become totally inaccessible in heavy rains or mild snows. The lack of telephone services in these areas compounds problems associated with remote locations and poor road systems – isolating residents completely during inclement weather, placing them even further from emergency services.
- Community facilities such as Chapter houses, senior centers and health services facilities are important to Navajo communities. Chapter Houses serve as a central meeting place for discussion of problems, issues and opportunities facing Chapter members. It provides a central area with telephone and utilities which can be used for weaving, preschool, drug and alcohol prevention counseling, food distribution and other important economic, social and political activities. As such, the Chapter House is an integral part of any Navajo community's social, economic and political well-being.
- The construction freeze in the Bennett Freeze area and NPL lands has resulted in critical needs for improvement, expansion, and in some cases replacement, of Chapter Houses and senior centers. Development of road, water, sewer and communications are essential to serve the Chapter Houses and senior facilities.
- On average, residents must travel more than 50 miles to hospital services. Residents of the NPL are generally 10 to 20 miles from clinic services. There are no clinics within the Bennett Freeze area. Residents must travel to Tuba City or further for any kind of medical care, from 20 to 96 miles. Clinics are needs within the Bennett Freeze Area.
- Police assistance is generally located more than 40 to 50 miles from NPL and Bennett Freeze residents. Police stations serving the study area are generally located in Tuba City, Chinle, Window Rock and Kayenta. These stations are understaffed due to budget limitations, particularly in light of the large geographic area they must cover. Holding cells are inadequate to accommodate the need.
- Fire protection services are also remote from residential centers. Some BIA volunteer fire services exist, but their primary responsibility is the protection of BIA schools and local government buildings. The condition of the roads serving most study area residences is such that emergency vehicle access is limited under the best of conditions and precluded during adverse weather conditions. A volunteer fire department located 40 miles from a residence accessible only by dirt roads is not able to provide adequate fire protection services.

- The former construction freeze on NPL and Bennett Freeze lands has left these areas underserved by water, wastewater, and electric service. Census data show that only 60 percent of the houses in the Bennett Freeze and less than 50 percent on NPL have running water. More than 80 percent of the houses in both areas heat with wood, coal or kerosene, often without proper ventilation.
- The construction freeze curtailed even basic improvements and repairs on existing structures. Recent surveys show that 54 percent of Bennett Freeze housing units are in poor condition and 20 percent are beyond repair.
- Because of the limits on new construction and the influx of families from the HPL, housing units within both areas are overcrowded. On Bennett Freeze lands, the number of families exceeds the number of housing units by almost 300 percent, indicating that most housing units accommodate two, three or more families. With the NPL, almost 40 percent of the dwelling units house two or more families.
- The lack of physical infrastructure within the study area has dramatically affected its ability to attract private employers. The number of jobs on study area lands is low. The number of employed residents is low. Household and per capita incomes are lower than elsewhere in the Navajo Nation. Economic development is required for the area to become self-sufficient, but significant public investments in infrastructure – roads, water, sewer, electricity – are required before these areas can generate revenues sufficient to begin paying back the cost of that investment.
- Within the United States and then Navajo Nation as a whole, there are approximately 0.7 jobs per household. Within the Bennett Freeze area and NPL, the number of jobs per household is less than half of the national average – 0.29 in Bennett Freeze and 0.35 in the NPL.
- The construction freeze which curtailed new infrastructure, roadway and building construction has obviously impacted the ability of the Navajo Nation and private business interests to create job opportunities in the affected areas.
- If a relocatee has livestock, it is almost impossible to move the livestock, unless the relocatee is moving to the recently acquired Nahat'a Dził Chapter where special provisions are made for livestock relocation, or unless the relocatee moves to an area where permits were cancelled as a result of the suit filed by the Hopis in 1974. This results in two types of impacts – inability to move livestock, or severe overgrazing, depending on the area one is moving to.
- Virtually every square inch of the Nation, outside of the areas affected by the 1974 law suit, is encumbered by an existing grazing permit. Each grazing permit specifies the maximum number of livestock units that can be grazed on the permitted land. Virtually all permitted areas outside of the Nahat'a Dził Chapter area are already "maxed out," that is, the number of livestock grazed already meets or exceeds that number allowed by the permit. Thus, people moving to the lands of other family members outside of the areas affected by the 1974 suit, must usually do so without their livestock, thus losing the economic and cultural benefits they provide.

Congress should hold a field hearing. We urge the Resources Committee to schedule a hearing on the Navajo Nation in order to facilitate participation by the people most affected by the land dispute and to provide the opportunity for visits to affected areas and families in order to deepen the Committee's understanding of the long-lasting effects of the relocation law.

Conclusion. The Navajo Nation is keenly aware of both the cost and the complexity of the Land Dispute and the Bennett Freeze. We urge Congress to live up to its responsibility to the many people affected by these two issues in a way that is fair and humane and not let the costly mistakes of the past force decisions today that result in an even greater human toll. The Navajo Nation is willing and open to working with the Committee to identify the most effective and practical ways of moving forward. I thank the Committee for this opportunity to provide testimony on these matters.